<sup>®</sup>AO 245B(05-MA)

(Rev. 06/05) Judgment in a Criminal Case Sheet 1 - D. Massachusetts - 10/05

# UNITED STATES DISTRICT COURT

District of Massachusetts

UNITED STATES OF AMERICA V.

Gary J. Adams

JUDGMENT IN A CRIMINAL CASE

Case Number: 1: 04 CR 10342 - NG - 01

USM Number: 25404-038

Robert M. Griffin

Defendant's Attorney

	54.0		documents attached
_		Transcript Excerpt of Sentencing He	earing
THE DEFENDANT pleaded guilty to co			
<del></del>			_
pleaded nolo content which was accepted			
was found guilty or after a plea of not g			
The defendant is adjuct	licated guilty of these offenses:	Additional Counts - See continu	nation page
Title & Section	Nature of Offense	Offense Ended	<b>Count</b>
18 USC § 922(g)(1)	Felon in Possession of Ammunition	08/13/04 1	
The defendant the Sentencing Reform		of this judgment. The sentence is impo	sed pursuant to
The defendant has	been found not guilty on count(s)		
Count(s)	is are dis	missed on the motion of the United States.	
It is ordered to or mailing address untitude defendant must not	hat the defendant must notify the United States attorn I all fines, restitution, costs, and special assessments i tify the court and United States attorney of material	ney for this district within 30 days of any change of mposed by this judgment are fully paid. If ordere changes in economic circumstances.	of name, residence, d to pay restitution,
	05	5/22/07	
	Date	of Imposition of Judgment	
	s/	Nancy Gertner	
	Signa	nture of Judge	
	T	ne Honorable Nancy Gertner	
	Ju	dge, U.S. District Court	
	Name	e and Title of Judge	
	6/	6/07	
	Date		

SAO 245B(05-MA)

(Rev. 06/05) Judgment in a Criminal Case Sheet 2 - D. Massachusetts - 10/05

DEFENDANT: Gary J. Adams CASE NUMBER: 1: 04 CR 10342 - NG - 01	Judgment —	- Page	2	of	10
IMPRISONMENT					
The defendant is hereby committed to the custody of the United States Bureau of Prisons total term of:  time served	to be impri	soned for	r a		
The court makes the following recommendations to the Bureau of Prisons:					
The defendant is remanded to the custody of the United States Marshal.					
The defendant shall surrender to the United States Marshal for this district:  at a.m p.m. on as notified by the United States Marshal.					
The defendant shall surrender for service of sentence at the institution designated by the E before 2 p.m. on	Bureau of P	risons:			
as notified by the United States Marshal.					
as notified by the Probation or Pretrial Services Office.					
RETURN					
I have executed this judgment as follows:					
Defendant delivered on to					
a, with a certified copy of this judgment.					
, ,, ,					
	NITED STAT	FS MARS	НАІ		

Ву

DEPUTY UNITED STATES MARSHAL

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**SAO 245B(05-MA)** 

(Rev. 06/05) Judgment in a Criminal Case Sheet 3 - D. Massachusetts - 10/05

			Judgment-	-Page	3	of	10
	Gary J. Adams	<b>5</b>					
CASE NUMBER:	1: 04 CR 10342	- NG - 01			_		
		SUPERVISED RELEASE		✓	See co	ntinuatio	n page
			2		-		
Upon release from ir	nprisonment, the defenda	ant shall be on supervised release for a term of:	3	year(s)			

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 104 tests per year, as directed by the probation officer.

	The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
$\checkmark$	The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
	The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
	The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
	The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

#### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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Sheet 4A - Continuation Page - Supervised Release/Probation -10/05

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DEFENDANT: Gary J. Adams

CASE NUMBER: 1: 04 CR 10342 - NG - 01

# ADDITIONAL ✓ SUPERVISED RELEASE ☐ PROBATION TERMS

The defendant is prohibited from possessing a firearm or other dangerous weapon.

The defendant is to participate in a program for substance abuse as directed by the US Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment.

Continuation of Conditions of Supervised Release Probation

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Sheet 5 - D. Massachusetts - 10/05

5 \_ of 10 Judgment — Page

Gary J. Adams **DEFENDANT:** 

CASE NUMBER: 1: 04 CR 10342 - NG - 01

## **CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOT	ALS \$	Assessment \$	100.00	\$	<u>Fine</u>		Restituti \$	<u>on</u>
	Γhe determina ofter such dete		ion is deferred unti	il <i>A</i>	An Amended	l Judgment in a (	Criminal Case	(AO 245C) will be entered
			` `	•	ĺ	the following pay		
I tl b	f the defendar he priority or pefore the Uni	nt makes a part der or percenta ited States is pa	ial payment, each ge payment colum aid.	payee shall re in below. Ho	eceive an app wever, purs	roximately proport ant to 18 U.S.C. §	tioned payment 3 3664(i), all no	, unless specified otherwise in onfederal victims must be paid
<u>Name</u>	e of Payee		Total Los	<u>s*</u>	Re	stitution Ordered		Priority or Percentage
								See Continuation Page
TOT	ALS	5	<b>.</b>	\$0.00	\$	\$0	.00	
	The defendar fifteenth day	nt must pay into after the date o		and a fine of arsuant to 18	U.S.C. § 361	2(f). All of the pay		e is paid in full before the on Sheet 6 may be subject
							1 1.1 .	
Ш					_	interest and it is of	rdered that:	
	<u> </u>	est requiremen	t is waived for the	<u> </u>	restitu	non. odified as follows:		
		ost requirement		c L 168		James as follows.		

<sup>\*</sup> Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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 $\begin{array}{lll} \text{Case} & 1:04\text{-cr-}10342\text{-NG} \\ \text{(Rev. 06/05)} & \text{Judgment in a Criminal Case} \\ \end{array} \\ \text{Document 32} \qquad \text{Filed 06/07/2007} \qquad \text{Page 6 of 10}$ 

Sheet 6 - D. Massachusetts - 10/05

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**DEFENDANT:** Gary J. Adams

CASE NUMBER: 1: 04 CR 10342 - NG - 01

## **SCHEDULE OF PAYMENTS**

Ha	ving assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:
A	Lump sum payment of \$ due immediately, balance due
	not later than, or in accordance C, D, E, or F below; or
В	Payment to begin immediately (may be combined with C, D, or F below); or
C	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E	Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	Special instructions regarding the payment of criminal monetary penalties:
	less the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during prisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial sponsibility Program, are made to the clerk of the court.  e defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Joint and Several  See Continuatio Page
	Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
	The defendant shall pay the cost of prosecution.
Γ	The defendant shall pay the following court cost(s):
	The defendant shall forfeit the defendant's interest in the following property to the United States:

Attachment (Page 1) — Statement of Reasons - D. Massachusetts - 10/05

DEFENDANT: Gary J. Adams +

Judgment — Page 7 of 10

CASE NUMBER: 1: 04 CR 10342 - NG - 01

DISTRICT: MASSACHUSETTS

I

II

## STATEMENT OF REASONS

A	<b>√</b>	The court adopts the presentence investigation report without change.
В		The court adopts the presentence investigation report with the following changes.  (Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.) (Use page 4 if necessary.)
	1	Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level, or specific offense characteristics):
	2	Chapter Three of the U.S.S.G. Manual determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
	3	Chapter Four of the U.S.S.G. Manual determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
	4	Additional Comments or Findings (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):
C		The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.
CO	OURT	FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)
A	V	No count of conviction carries a mandatory minimum sentence.
В		Mandatory minimum sentence imposed.
С		One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on
		findings of fact in this case
		substantial assistance (18 U.S.C. § 3553(e))
		the statutory safety valve (18 U.S.C. § 3553(f))

# Ш

Criminal History Category: IV

Imprisonment Range: 57 to 71 months Supervised Release Range: 2 to 3 years

Fine Range: \$ 7,500 to \$ 75.000

 $\square$  Fine waived or below the guideline range because of inability to pay.

Attachment (Page 2) — Statement of Reasons - D. Massachusetts - 10/05

Judgment — Page 8 of 10 DEFENDANT: Gary J. Adams +

CASE NUMBER: 1: 04 CR 10342 - NG - 01 DISTRICT:

**MASSACHUSETTS** 

#### STATEMENT OF REASONS

			SIAII	EMENT OF REASONS							
IV	ADVI	ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)									
	A The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart.										
	B The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons.  (Use Section VIII if necessary.)										
	С 🔽	C The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual.  (Also complete Section V.)									
	D [	The court imposed a sentence outsice	de the adviso	ry sentencing guideline system. (Also o	omplete	Section V	T.)				
$\mathbf{V}$	DEPA	ARTURES AUTHORIZED BY TI	HE ADVIS	SORY SENTENCING GUIDEI	LINES	(If appl	icable.)				
	A The sentence imposed departs (Check only one.):  ☑ below the advisory guideline range □ above the advisory guideline range										
	В <b>D</b>	eparture based on (Check all that a	apply.):								
	1	<ul> <li>         □ 5K1.1 plea agreement</li> <li>         □ 5K3.1 plea agreement</li> <li>         □ binding plea agreement</li> <li>         □ plea agreement for descriptions.</li> </ul>	nt based or nt based or ent for dep departure, v	ly and check reason(s) below.):  the defendant's substantial assist Early Disposition or "Fast-track arture accepted by the court which the court finds to be reason the government will not oppose a	" Prog able		ture motion.				
	2	□ 5K1.1 government m     □ 5K3.1 government m     □ government motion     □ defense motion for o	notion base notion base for departu departure to	greement (Check all that apply a ed on the defendant's substantial ed on Early Disposition or "Fast-re" which the government did not of which the government objected	assistaı track" p	nce					
	J		reement or	motion by the parties for departu	ıre (Ch	eck reas	on(s) below.):				
	C 1	Reason(s) for Departure (Check al	ll that apply	other than 5K1.1 or 5K3.1.)							
	4A1.3 5H1.1 5H1.2 5H1.3 5H1.4 5H1.5 5H1.6 5H1.11	Criminal History Inadequacy Age Education and Vocational Skills Mental and Emotional Condition Physical Condition Employment Record Family Ties and Responsibilities Military Record, Charitable Service, Good Works Aggravating or Mitigating Circumstances	☐ 5K2.1 ☐ 5K2.2 ☐ 5K2.3 ☐ 5K2.4 ☐ 5K2.5 ☐ 5K2.6 ☐ 5K2.7 ☐ 5K2.8 ☐ 5K2.9 ☐ 5K2.1	Death Physical Injury Extreme Psychological Injury Abduction or Unlawful Restraint Property Damage or Loss Weapon or Dangerous Weapon Disruption of Government Function Extreme Conduct Criminal Purpose O Victim's Conduct		5K2.12 5K2.13 5K2.14 5K2.16 5K2.17 5K2.18 5K2.20 5K2.21	Lesser Harm Coercion and Duress Diminished Capacity Public Welfare Voluntary Disclosure of Offense High-Capacity, Semiautomatic Weapon Violent Street Gang Aberrant Behavior Dismissed and Uncharged Conduct Age or Health of Sex Offenders Discharged Terms of Imprisonment				

Explain the facts justifying the departure. (Use Section VIII if necessary.) D

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Attachment (Page 3) — Statement of Reasons - D. Massachusetts 10/05

DEFENDANT: Gary J. Adams

CASE NUMBER: 1: 04 CR 10342 - NG - 01

DISTRICT: MASSACHUSETTS

		STATEMENT OF REASONS
VI		OURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM neck all that apply.)
	A	The sentence imposed is (Check only one.):  ☐ below the advisory guideline range ☐ above the advisory guideline range
	В	Sentence imposed pursuant to (Check all that apply.):
		Plea Agreement (Check all that apply and check reason(s) below.):  binding plea agreement for a sentence outside the advisory guideline system accepted by the court  plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable  plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system
		Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):  government motion for a sentence outside of the advisory guideline system  defense motion for a sentence outside of the advisory guideline system to which the government did not object defense motion for a sentence outside of the advisory guideline system to which the government objected
		3 Other
		Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.)
	C	Reason(s) for Sentence Outside the Advisory Guideline System (Check all that apply.)
		the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)  to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))  to afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))  to protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))  to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))

D Explain the facts justifying a sentence outside the advisory guideline system. (UseSection VIII if necessary.)

to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))

to provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))

Gary J. Adams

Judgment — Page 10 of

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DEFENDANT:

CASE NUMBER: 1: 04 CR 10342 - NG - 01

DISTRICT:

MASSACHUSETTS

## STATEMENT OF REASONS

	A	Ø	Restitution No	ot Applicable.	
	В	•	al Amount of Re		
	C	Rest	titution not orde	red (Check only one.):	
		1		for which restitution is otherwise mandatory under 18 U victims is so large as to make restitution impracticable ur	J.S.C. § 3663A, restitution is not ordered because the number of order 18 U.S.C. § 3663A(c)(3)(A).
		2	issues of fac	t and relating them to the cause or amount of the victims	J.S.C. § 3663A, restitution is not ordered because determining complex 'losses would complicate or prolong the sentencing process to a degree by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
		3	ordered beca		2. § 3663 and/or required by the sentencing guidelines, restitution is not a process resulting from the fashioning of a restitution order outweigh E(a)(1)(B)(ii).
		4	Restitution i	s not ordered for other reasons. (Explain.)	
VIII	AD	DITIO	ONAL FACTS	JUSTIFYING THE SENTENCE IN THIS	CASE (If applicable.)
				I, III, IV, and VII of the Statement of Reasons	form must be completed in all felony cases.
Defer	ndant	t's So	c. Sec. No.: 0	00-00-7615	Date of Imposition of Judgment 05/22/07
Defer	ndant	t's Da	te of Birth: 1	976	s/Nancy Gertner
Defer	ndant	t's Re	sidence Address	3: 230 Willard St, Quincy, MA 02123	Signature of Judge The Honorable Nancy Gertner Judge, U.S. District Cou
Defer	ndant	t's Ma	niling Address:	Plymouth House of Correction	Name and Title of Judge Date Signed 6/6/07

26 Long Pond Road Plymouth, MA 02360

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APPEARANCES:
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United States Attorney's Office, by JAMES P. DOWDEN, ASSISTANT UNITED STATES ATTORNEY, One Courthouse Way, Suite 9200, Boston, Massachusetts 02210, for the United States;

Denner, Pellegrino, LLP, by ROBERT M. GRIFFIN, ESQ., Four Longfellow Place, Boston, Massachusetts 02114, for the Defendant.

#### FINDINGS OF FACT

THE COURT: So under the circumstances I'm going to accept the guideline calculation, I'm going to depart departure on the 41A.3 to a criminal history 2. The guideline range is 41 to 51 months, which is essentially the time you've already served. You were arrested on 8-13-04 in state custody which would count to this sentence, and I'm going to sentence you to time served. The supervised release of three years, special assessment of \$100.

Supervised release means that we have you on a string for three years. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: It means that you can't have a traffic violation, right, you can't get in trouble again on anything because if you do, you have to report it to your probation officer and it gets reported to me. While you're on supervised release, you're obviously not to commit another federal, state or local crime. You're to refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of your release from imprisonment and at least two periodic drug tests thereafter. You get a positive on a drug test, you come back to me. You get a positive on three drug tests and you're back in prison.

You are to comply with the standard conditions and in addition the conditions that I have now described. I

will not require you to submit to the collection of a DNA sample until that issue is resolved by the First Circuit. You're prohibited from possessing a firearm or other dangerous weapon, and as I said, you're to participate, I'm sorry, you're to participate in a program for substance abuse counseling. To the extent the drug problems were moving any of this, now is the time to get rid of them. As I said, no fine and restitution doesn't apply.

You have a right to appeal. I want the record to make clear the wonderful faces that I see in the audience which are the faces of your family, and that's where I'm returning you to them, and my anger and the consequences I can bring down don't compare to what it's going to be like to face these people if you get in trouble again, so as I said, you have a right to appeal. Your lawyer will let you know what that consists of.